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6 Defendant GLENN DANZIG

7  
8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

10  
11 GLENN DANZIG, an individual,  
12 Plaintiff,

13 vs.

14 GERALD CAIAFA, an individual;  
CYCLOPIAN MUSIC, INC., a  
15 corporation; and DOES 1 through 10,  
inclusive,

16 Defendants.  
17

CASE NO. CV14-02540 RGK-RZx  
Hon. R. Gary Klausner, Courtroom 850

**DECLARATION OF DIANA  
GRESHAM-CORPUS FILED IN  
SUPPORT OF PLAINTIFF'S  
OPPOSITION TO DEFENDANTS'  
MOTION FOR SUMMARY  
JUDGMENT**

Date: March 23, 2015  
Time: 9:00 a.m.  
Crtrm.: 850

Action Filed: April 3, 2014  
Trial Date: May 5, 2015

18  
19 AND RELATED COUNTERCLAIM.  
20

21 I, Diana Gresham-Corpus, declare:

22 1. I am Executive Vice President, Retail, of Live Nation Merchandise  
23 ("LNM"). I have personal knowledge of the matters below and could and would  
24 testify competently to them if asked.

25 **A. My Experience in the Music Merchandising Business**

26 2. I have been in the business of merchandising goods related to popular  
27 music for more than twenty five years. Generally, merchandisers pay recording  
28 artists or their rights holders royalties on product sales in exchange for licenses to

1 manufacture and distribute products bearing the artists' names, likenesses, pictures,  
 2 trademarks, logos, artwork, and other intellectual property. Such goods include  
 3 apparel, figurines, jewelry, stickers, posters, lighters, and many other items.

4 3. I ran Giant Merchandising's ("Giant") retail operations from 1990 to  
 5 2003. I ran FEA Merchandising, Inc.'s ("FEA") retail operations from 2003 until  
 6 FEA joined Live Nation in 2013. I have been Executive Vice President, Retail at  
 7 Live Nation Merchandising, Inc. ("LNM") since then.

8 4. My duties at Giant, FEA and LNM included and include supervisory  
 9 and/or hands-on responsibility for all aspects of the business as it relates to retailers,  
 10 including interacting with retailers on our product sales to them, retail sales and  
 11 promotional strategies for our products, budgets, and business strategy.

12 **B. My Interactions with Hot Topic, Inc. ("Hot Topic") Concerning**  
 13 **Glenn Danzig's ("Danzig") Misfits Skull Design**

14 5. LNM frequently submits products to Hot Topic for consideration, takes  
 15 orders from Hot Topic, arranges shipments to Hot Topic, and discusses design and  
 16 product ideas with Hot Topic.

17 6. I and my sales staff under my supervision have had many conversations  
 18 with executives and sales persons at Hot Topic about Danzig's Misfits Skull design.  
 19 For example, in January 2015, I met at Hot Topic in Los Angeles, California with  
 20 Hot Topic's head tee shirt buyer, Mick Sietis and Hot Topic Divisional Merchandise  
 21 Manager Ed LaBay to discuss LNM's current gallery of products. As we reviewed  
 22 LNM's Misfits designs, they again said that they could not buy merchandise bearing  
 23 the Misfits Skull from LNM.

24 **C. LNM's Sales of Merchandise to Hot Topic Under License from**  
 25 **Danzig**

26 7. Pursuant to its agreement with Danzig, LNM annually sells thousands  
 27 of pieces to Hot Topic. That has been the case for the entire period that  
 28 Danzig has had a merchandising agreement with LNM.

**D. LNM's Sales of Merchandise Bearing the Misfits Skull Under License from Danzig**

8. Pursuant to LNM's April 17, 2013 written merchandising agreement with Danzig, LNM regularly sells products bearing his Misfits Fiend Skull design.

9. Attached hereto as Exhibit 4 are true and correct copies of pages from LNM's Spring/Summer 2015 that include products related to Danzig and his bands The Misfits and Samhain. The fourth and fifth pages include Misfits products bearing the Misfits Skull.

10. Attached hereto as Exhibit 5 are true and correct of summaries showing LNM's 2013-2015 sales of Misfits merchandise to retailers other than Hot Topic pursuant to LNM's merchandising agreement with Danzig, including merchandise bearing the Misfits Skull image. My staff prepared the documents in Exhibit 5 in the normal course of LNM's business under my supervision. The dollar sales amounts have been redacted.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on March 2, 2015 at Austin, Texas.

See Attached Signature  
Diana Gresham-Corpus

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Diana Gresham-Corpus

**CERTIFICATE OF SERVICE**

I hereby certify that on March 2, 2015, I electronically filed the foregoing  
**DECLARATION OF DIANA GRESHAM-CORPUS FILED IN SUPPORT OF  
PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION FOR  
SUMMARY JUDGMENT** with the Clerk of the Court by using the CM/ECF  
system. I certify that all participants in the case are registered CM/ECF users and  
that service will be accomplished by the CM/ECF system.



Yvette T. Toko